

## **Civil Liability of the Website Owner for Damages Arising from Published Harmful Content under Jordanian Law**

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### **Abstract**

Due to advanced Internet technology, there's a growing need for legal frameworks overseeing website creation and monitoring to prevent misuse, especially on social media. Legislators established laws holding website owners responsible for content under their supervision, requiring them to prevent and remove offensive material. Victims of harmful online content can seek criminal penalties, compensation, and site blocking. Like print laws, electronic publishers, and site supervisors face accountability for damaging content, prompting the need for legislation, as outlined in Jordanian Press and Publications Law Article 49. This law considers online comments as journalistic material, holding publishers and site supervisors jointly responsible. It empowers authorities to prevent harmful content publication, allowing victims to seek legal recourse in civil courts for damages.

**Keywords:** Civil liability, website owner, harmful content, Jordan, law

### **Introduction**

Jurisprudents generally describe responsibility as holding a person accountable for performing an act or abstaining from it unlawfully. It is a punishment for the person's violation of the duties imposed on him (AlKhalaleh, 2011). Civil liability is divided into two types. The first type is contractual liability. It arises from a breach by one of the contracting parties of his obligations. Every breach of the contract on the debtor's part results in liability for the damage caused to the creditor. The liability for harmful action, which results from the harm caused by the individual to others due to an act he committed, and the damages are the illegality is a source of responsibility. Electronic media has opened many horizons, as electronic publishing provides services and information that other media often cannot provide. Therefore, it has become necessary to know

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the extent to which civil liability provisions arise from the use of electronic publishing (Mahdi, 2020). The use of electronic publishing means has led to the emergence of new legal issues that require research and knowledge of the extent to which they are subject to general legal rules. The question that can be raised at this stage is about the adequacy of the legislation in force to govern the responsibilities arising from the illegal use of electronic publishing means. The reason for this is that most of the Arab legislation related to this topic was enacted before the major transformation in the field of publishing and electronic media occurred (AlRa'i, 2010). AlRai further states that it unleashes freedom of opinion and expression and leaving it without restricting it by law creates a state of chaos in society. So, when is it permissible for a person to express his opinion without being restricted under the law, this may prompt him to express his opinion in a way that includes slander of others and may consequently lead to creating a state of chaos that threatens the entity of society. However, we find that the Hashemite Kingdom of Jordan amended the Audiovisual Media Law in 2015. The law has been stable for twelve years, and by reading the provisions of this law, we find that its goal is to create a balanced environment between freedom and responsibility (Mahdi, 2020). In addition to the Press and Publications Law and the general rules in the Jordanian civil law, which dealt with the provisions of civil liability, whether contractual or liability for a harmful act.

### **Research Objectives**

This study aims to achieve the following:

1. To Explain the general provisions for electronic publishing and their legal framework in the Jordanian legislation.
2. To Clarify the ability of the legal provisions in force to accommodate the conflicts that arise from electronic publishing and the use of this technology.
3. To Clarify whether the elements of civil liability have a certain specificity in electronic publishing cases.
4. To Clarify the legal basis for establishing civil liability for electronic publishing with harmful content.

### **Research Questions**

1. What is the definition of the general provisions for electronic publishing and their legal framework?
2. What is the legal basis for the website owner's responsibility for damages arising from electronic publishing with harmful content?
3. Are the laws regulating the content of electronic publishers sufficient and appropriate for the tremendous developments taking place in this field?

4. Is the website owner responsible for all comments with harmful content?

### **Research Methodology**

To cover the various aspects of the research, analyze terminologies, and answer all its questions, given the specificity and novelty of the topic, this necessitated the use of several research methods. In this research, we relied on the descriptive approach and the analytical approach. The descriptive approach is to explain the concepts developed in the scope of electronic publishing and describe them to show their specificity in the subject of the research and apply it to cases of violation of rights through publication on websites. As for the analytical approach, we will adopt it in analyzing jurisprudential opinions, legislative texts, and judicial rulings, to determine the extent to which the civil liability provisions apply to electronic publishing.

### **Research Framework**

We divided the research into two sections. The first dealt with the nature of the website and its owner and its importance in general and divided it into three requirements. The first requirement is the concept of the website. The second requirement is the definition of the website. The third requirement is the legislative framework for the website under Jordanian law. In the second section, the paper dealt with the provisions of civil liability of the website owner for damages arising from harmful content and divided it into three requirements. The first requirement is the contractual liability of the website owner. The second requirement is the responsibility for the harmful acts of the website owner. The third requirement is the conditions for verifying the responsibility of the website owner for damages arising from published comments under Jordanian legislation. We ended the research with a conclusion that includes the results and recommendations.

#### **A. The nature of the website and its owner**

The Internet is characterized by broad relationships that cross the borders of countries. Its content is exposed to interactions in new formats that reduce spatial boundaries and shorten time. Many means have emerged that attempt to work within the system of this network. Perhaps the most important of which are electronic websites, and these sites have received the attention of many users. The Internet is used in various commercial, social, and other fields, and it is constantly increasing according to the increase in users. A natural or legal person creates the website for a purpose, and the owner of the website determines the method in which its content is displayed, and the method of communication between participants - and visitors - with each other. Due to the technical developments

that are used by websites, interactivity has evolved, through which members - visitors - can present their opinions and criticisms of topics published through websites, under the name of comments (Al-Shaya 2017). To understand the nature of a website, we must first understand the concept of the website and its owner, and then the definition of the website and its owner (second). Then the legislative framework for the website under Jordanian law.

### **First Requirement: The Concept of the Website and Its Owner**

Due to the developments taking place in our world today, and the transformation of many services from the traditional world to the Internet, most services have become digitized. The endeavor of many companies and institutions, in the context of commercial competition, to deliver their services via Internet networks to their clients, has facilitated the spread of websites. This has led some legislators to try to establish legislation that regulates the content of these websites. This is a positive attempt to keep pace with the technical developments on which these websites depend and to develop solutions to some of the problems that arise from the operation of these websites. Therefore, it is necessary to define the website first and state the legal framework for the website under Jordanian Law.

### **Second Requirement: The annotation of the website and the website owner**

The website operates within the Internet, and it is not possible to understand its concept without clarifying the concept of the World Wide Web (the Internet), as the Jordanian legislator defined it in Article (2) of the Cybercrime Law No. (27) of 2015 as “a connection between more than one information system to make data and information available”. One of the jurists defines it as “all the available resources and users available on the Internet who use the text transfer protocol.” (Al-Tamimi, 2009). The Internet has also been known as “the set of physical means and software designated for communication between computers and peripheral means’ (Kahlon, 2005). The Internet, as a network (Saqf Al-Hait, 2015), contains different tools, from websites, e-mail, etc., to connect its members and achieve communication to reach its goals.

The definition of a website varies according to the angle from which it is viewed. Some define it according to its function, its technical nature, or according to its formal standard. Other jurists define the website as “a group of pages, texts, images, and video clips interconnected according to a coherent and interactive structure that aims to display and describe information and data of an entity or institution. That access to it is not limited by time or place and has a specific, unique address that distinguishes it from the rest of the sites on the Internet” (Al-

Zoubi and Al-Sharayah, 2004). Others define it as: “simply transferring or transmitting a group of numbers in an image of letters that form a term that matches the name of the project or organization” (Hawwa, 2010). The website is an interface that occupies a place on the Internet with its name - the domain name, whose content may represent an image of a project or institution on the ground. Whose owner includes topics and news - using electronic means. He wants members and visitors to view and determine how they participate in and interact with them (Al-Shaya 2017).

### **Third Requirement: The legislative framework for the website under Jordanian law**

The Jordanian legislators have managed websites in more than one law, trying to regulate their operation, registration, and licensing. It regulated the content of websites, because of their major role in the lives of individuals in all fields. This is considered a positive step by the Jordanian legislator, who regulated websites in many laws. The Jordanian legislator defined in Article (2) of the Cybercrime Law No. (27) of 2015 “the website: a space for making information available on the information network through a specific address,” and a space, linguistically, is the name of a place (Al-Fayrouzabadi, 2005). The Jordanian legislators, in the same article above, defined information as “data that has been processed and has a meaning.” As for data, the legislator defined it in the same article above as “numbers, letters, symbols, and shapes”.

Enumerating the types of data is a bit of a risk because data in technical matters is in a state of continuous development. Therefore, enumerating it makes the definition limited to what is mentioned. Video clips are not mentioned as being included in the data, and at the same time we find that they constitute the most important means by which the website deals.

Accordingly, the content of the website consists of types of data. Whether this is in the topics published by news or comments published on its pages, which is created by what is known as information technology, as the Jordanian legislator explained in the amended Communications Law No. (21) of 2011 defines information technology as “the creation, processing, and storage of information using electronic means”. The Jordanian legislator defined in Article (2) of the Electronic Transactions Law No. (15) of 2015 electronic means “the technology of using electrical or magnetic means”. We find that the Jordanian legislator, whether in the Press and Publications Law or the Electronic Crimes Law, has specified legal responsibility for the perpetrator of acts that would affect the rights of others (Al-Shaya 2017). What concerns us here is the statement of consideration of the website owner responsible for damages arising from comments published on the

website, and this becomes clear to us when the Jordanian legislator's position on the website owner is stated in Article (49/A/1) of the amended Press and Publications Law of (2012) by registering the website. If it is an activity where the electronic publication publishes news, investigations, articles, and comments related to the internal or external affairs of the Kingdom. So, this publication is obligated to be registered and licensed by the decision of the director. The electronic website is one of the types of publications, and this is what the Jordanian judiciary has confirmed in more than one decision. It was stated in the decision of the Jordanian Court of Cassation in its criminal capacity No. 1729 of 2009, "It can be understood from the text of Article Two of the Press and Publications Law that there are two types of publications referred to by the legislator in this article.

According to Article (49/A/2) "If the electronic website becomes obligated to register and license under the provisions of Paragraph (A) of this article. All applicable legislation related to the press publication will apply to it." ...", and the new thing that the Jordanian legislator introduced in this law in Article (49/C) is the responsibility of the website owner for the published comments. The comments that are published in the electronic publication are considered journalistic material for the responsibility of the electronic publication, its owner, its editor-in-chief, its director, and any of the employees."

It includes those who are related to the article under comment. Journalistic material contains information, and information is defined by some commentators as "every material that is subject to knowledge. Because they are represented in recognized signals to preserve, process, or broadcast them" (Kahlon, 2005). Comments take most of the cases that topics published on websites take, while not forgetting to mention their privacy with the authority from which they issued them (Al-Shaya, 2017).

It is clear from this that the Jordanian legislator considered the website a complete space for all its published data. Whether topics or comments this is in the equality shown between journalistic material. Under Article (49/B) of a law amending the Jordanian Press and Publishing Law of 2012. "If the website becomes obligated to register and license under the provisions of Paragraph (A) of this Article, then all applicable legislation shall apply to it." related to the press publication.". Accordingly, the Jordanian Press and Publishing Law, with all its amendments, is the law concerned with the operation of electronic websites that are required to be registered and licensed. The law specified the duties of the owner of the publication, some provisions were general and included paper and electronic publications, and other provisions were specific to the electronic publication.

The law outlined the conditions that must be met for the applicant to establish a publication. Because the nature of the content of the electronic publication differs from the content of the paper publication, problems may arise in subjecting the former to a law that has been legislated for the electronic publication (Al-Shaya 2017). It is necessary to know the suitability of the conditions of the owner of the press publication to the conditions of the owner of the electronic website, as the Jordanian legislator stipulated in Article (13) of the Press and Publications Law that an application be submitted to grant a license to issue a publication under the provisions of the applicable Companies Law, and the latter clarifies how to register a company of all types. To create a website, approval is not required to create a website, as is the case in a press publication, as the website is registered in a global organization called "ICAN" (Sarhan, 2006). The Jordanian legislator specified in The Press and Publications Law, in Article (21/A) thereof, states the first condition that must be met by the owner of the publication: "The owner of a press or specialized publication must fulfil the following:

A - It must be of Jordanian nationality, or a company owned by Jordanians or a registered Jordanian political party." The legislator specified Jordanian nationality as a condition for the owner of the publication, whether he is someone who wants to submit a request for issuance.

The publication is a natural person, party, or company, while the Jordanian legislator stated in Article (49) of a law amending the Jordanian Press and Publishing Law: 1 - "If the activity of the publication is publishing news, investigations, articles, and comments related to the internal and external affairs of the Kingdom, then this publication is obligated to register." And licensing...", and here we find that the legislator obliges the owners of electronic publications to register and license, provided that their activity is in publishing news, investigations, articles, and comments that are related to the internal or external affairs of the Kingdom of Jordan. It is possible to imagine the existence of electronic publications whose activity falls within what the legislator specified above, but their owners do not have Jordanian citizenship, so are they subject to licensing and registration, and, if it is registered and licensed, how can the condition that its owner be of Jordanian nationality be bypassed.

We believe that it is possible to limit the registration and licensing requirement to websites whose owners are Jordanian. It is possible to differentiate between two main types of websites, websites consisting of country codes and public top websites (Alwan, 2005). Thus, the legislator can determine which websites are subject to registration. The license is provided that its owner is of Jordanian nationality. It is possible to register and license all electronic websites

covered by the provisions of Article (49) of the amended Press and Publications Law, even if their owner does not have Jordanian nationality. So that they are treated like the subject of registration of foreign companies, taking into account the presence of a text that allows Registration and licensing of websites in the name of foreigners to be regulated.

2- He must not have been convicted of a felony or misdemeanor against honour or morals.

The Jordanian legislator divides the crime according to the legal description in Chapter One of the Jordanian Penal Code No. (16) of 1960 in Article (55): “1 - The crime is a felony, misdemeanour, or violation punishable by a criminal penalty, misdemeanour, or violation.” The Jordanian legislator adopted the standard. The extent of the seriousness of the committed crime to be a basis for dividing crimes into felonies, misdemeanours, and infractions.

It is noted here that the Jordanian legislator made the type of punishment prescribed for the crime a criterion for crime categorization (Al-Majali, 2012). The legislator stipulated that the felony or misdemeanour be dishonourable.

Morals and crimes against honour “are crimes that harm a person’s honour and prestige” (Al-Nimour, 2008). The legislator mentioned in the Jordanian Penal Code in Chapter Seven crimes against morals and public morals, and devoted articles (292-325) to them, including crimes of assault on honour. It encourages immorality and abortion. The wisdom behind this condition is that the owner of the publication must be a person who respects the values of society and is more capable than others of preserving the rights of others through the website. Therefore, it is stipulated that the person requesting a license for the publication must not have had a judicial ruling issued against him that is prejudicial to honour and public morals. (Alshaya 2017).

### **Second Section: Provisions of civil liability of the website owner for damages arising from the harmful content.**

The website owner is responsible for damages arising from harmful content published on his website. If there is a comment with harmful content that may have been written by one of the website’s employees or by one of the clients (visitors). The person who was harmed by the published comment may be one of the employees on the site itself, which is linked to the site owner through an employment contract. He may be one of the people who have a contract with the site owner, such as the owner of an advertisement on the website. The affected person may be a third party who is not linked to the site owner in any contractual relationship (Al-Sha’i, 2017). So, we can say The civil liability of the website



owner is either a contractual liability or a liability for the harmful act, and this is what we will explain below.

**First Requirement: The contractual liability of the website owner for damages arising from harmful content.**

A ground rule in the legal jurisprudence is "*Pacta sunt servanda*" a Latin rule meaning "agreements must be kept", and this is the basis for contracts. Thus, respecting the express and implicit will of the contracting parties. What is required by the principle of good faith? This is what the Jordanian civil legislator indicated in Article (202) of the same law, which states: "1- The contract must be implemented under its contents and in a manner consistent with what good faith requires. This is what the Jordanian Court of Cassation confirmed in many of its decisions, as it stated in its decision No. 5637 of 2023 in its legal capacity, "Where the public authority violated the text of Article 202 of the Civil Code, which relates to the principle of good faith, and did not apply it properly."

The Jordanian legislator also stated through the text of Article (199) of the Civil Code, "2- As for contract rights, each party must fulfill what the contract has required of them". Based on the above, we can say that contractual liability cannot be imagined as existing unless there is a valid contract. Implementation is due between the website owner and the person harmed by the comments published on the website. Contractual liability is achieved if implementation in kind becomes not possible. So that compensation is made based on contractual liability (Hilal, 2009). This is a result of the breach of contractual obligations, whether by the website owner or the contracting client.

If the author of the comment with harmful content is a visitor to the website, then responsibility is imposed on the owner of the website (Al-Sha'i', 2007). The responsibility of the information supplier is taken, which some jurisprudents define as: "a natural or legal person who broadcasts information and messages related to a specific topic on the Internet." (Nassif, 2009). Therefore, we can say that the damage resulting from the comments published on the website is held accountable by the website owner for the harmful act.

**Second Requirement: Liability for the malicious act of the website owner for damage arising from harmful content.**

Liability for harmful action is considered the most common form of civil liability on the website owner for the resulting damage and harmful comments published on his website. We would like to point out that the Jordanian civil legislator touched on the provisions of liability for harmful action in the Civil Code in Articles (256-287), where it states in Article (256): "Any harm to others

obligates the perpetrator, even if he is not discerning, to guarantee the harm". The Jordanian Court of Cassation confirmed the application of this article to the content of publications and publishing in more than one of its decisions. It stated in its decision No. (1425) of the year 2023 In its legal capacity, "everyone who causes harm to others must compensate."

The Jordanian legislator also referred to this responsibility in the Press and Publications Law and made the basis of civil liability, whether contractual or tort, based on reparation of the damage that befell the injured person with fair compensation (Al-Thanoun, 2006). It is important also to point out that the responsibility of the website owner is based on damages arising from a comment with content published on the website is based on liability for the harmful act. Such that the act results in damage, and the damage resulting from comments published electronically does not differ from damage in liability for the harmful act. If the elements of this liability are present, including the act of damage, the damage, and the causal relationship between them. Some have defined the liability for electronic malicious action as: "the harm that exists in the form in which the cybercriminal infringes on the information system of others to transmit processed information electronically" (Afifi, 2013). Electronic harm does not only affect the information system, but sometimes extends to private life and other aspects, and it is no different. The causal relationship is the link between the harm and the damage in the website owner's responsibility for it, which is found in the liability for the harmful act (Al-Sha'i, 2017). These are the general rules of responsibility for the actions of others. The Jordanian legislator has confirmed this in the Press and Publications Law in Article 41, deeming the website owner jointly responsible for what is published on his website with the editor-in-chief and the writer of the journalistic material. This liability cannot be defended according to the general rules if it is proven that the damage was the result of an apparent force or a sudden accident (Al-Sarhan, 2009).

**Third requirement: Conditions for verifying the website owner's liability for damages arising from published comments under Jordanian legislation.**

We can extract the conditions that must be met to hold the website owner accountable for damages resulting from comments published on his website from the text of Article (49) of the Jordanian Press and Publishing Law (Al-Shaya, 2017). This is as follows "The website must be obligated to register and license first." The presence of a comment published on the website and the presence of negligence in oversight and care on the part of the website owner.

**First Section: The website must be registered and licensed.**

The Jordanian legislator specified, under the amended Press and Publications Law, electronic websites that are required to be registered and licensed. Whose activity is publishing news and investigations related to the internal or external affairs of the Kingdom by a decision of the director? What is meant by the director, according to the explanation of Article (2) of the Press and Publishing Law, is the director of publications. And publishing, who became the head of the Media Authority after the Cabinet decided to merge the Department of Publications and Publishing. The Department of Publications and Publishing was merged with the Media Authority according to Prime Minister's Decision No. (83/11/1/14815) dated (4/28/2014).

The question arises about whether the website is registered or not and its impact on the website owner's liability for damages arising from published comments. In the beginning, it must be known that unlicensed websites are blocked under the law, and in this aspect, the Supreme Court of Justice decided in its decision, "Electronic websites are considered publications, and the law requires their registration and licensing under the Press and Publications Law. The competent administrative authority has the right to block the website if it is not licensed, under the text of Article (49/A/1)(G) of the Press and Publications Law." Registration is a regulatory procedure, so the responsibility of the website owner is not negated if it is not registered, as whether the website is licensed does not affect the responsibility of the website owner for the published comments.

However, a distinction must be made between whether the website is covered by the license or not, as there are many types of websites, including commercial, interactive, journalistic, news, informational, and complementary media sites (Al-Dulaimi, 2011). If the website is licensed or covered by the license, all of them apply to it. The legislation in force related to the press publication, but if that is not the case, it is necessary to refer to the general rules, and this is what Paragraph (b) of Article (49) of the Jordanian Press and Publications Law stipulates, in the sense of violation, and this case the owner of the website will not be responsible for all comments published on his website if his website is not covered by licensing and registration.

The question arises about the extent of the responsibility of the website owner if the news or article was published at a time when the website was not subject to registration or licensing, and the comment came at a time when the website was subject to registration and licensing. Civil liability for a harmful act in general begins immediately after the damage that caused the damage occurs, and the damages here are represented by publishing the comment and not publishing the news. If the website at the time of publishing the comment is covered by registration and licensing, then its owner is responsible for the damages arising

from the published comments. If the website is not covered by the license, there is no responsibility on the website owner (Al-Shaya, 2017).

**Second Section: The presence of a comment - with harmful content - published on the website.**

The legislator specifies the types of comments in the text of Paragraph (D) of Article (49) of the amended Jordanian Press and Publishing Law. This was previously addressed in the first section of this research. Comments consist of electronic information. The Jordanian legislator is defined in Article (2). From the Electronic Transactions Law No. (15) of 2015, it is defined as “data, texts, images, graphics, shapes, sounds, symbols, databases, and the like.” Comments take multiple forms, which can change in the future to forms unknown currently. This is clear from the legislator’s reference in the phrase “or something similar,” and the forms of the comments that are published in the field provided by the websites below the published news are the following:

1 - Commenting by writing, which constitutes data and texts from the legislator’s definition above, and it is the most common form in that writing can be used in any language that the user wants to use, provided that the language is present according to the scope of the computer he is using. The user can also write in a specific language, and from Then translate it using existing translation programs, or those provided by some research or specialized sites, then transfer the translated material to the comment box, and then share it, send it, or publish it.

2 - Commenting with symbols. The website sometimes provides at the bottom of the comment field some symbols, which are supported by the writing language of the website. Symbols are nothing more than using more than one key on the computer keyboard, and with previously stored commands used within the framework of certain general programs such as the “program” "symbol selector or by special programs supported by the site, so that these configurations appear in the form of symbols that act as thumbnail images, and although their use is not widespread by websites, participating in a comment may infringe the rights of others, especially if the symbol is with the comment, or on its own, it causes harm to others.

3 - Commenting with pictures, audio, or video. Commenting with pictures, drawings, shapes, or sounds is a feature that websites provide to their users. Commenting in writing, pictures, audio, or video is known as what is called hypermedia, and some jurisprudence defines it as “Text, graphic forms, animation, sound, video” (Haseeb, 2007). In general, website owners do not allow comments on all the above, but this does not mean that they do not exist because the availability of these media often depends on the availability of large storage

spaces. For the website, this is why we may later see a greater spread of this form of comments, and therefore, in whatever form these comments may be, whenever they cause harm to others, they constitute the responsibility of the website owner.

The website owner's responsibility for harm caused by published comments begins immediately after the comment - with harmful content - is published and not immediately after it is sent. As we have noted, whoever implements the publishing order may differ depending on the nature of the website's work, and the condition of the existence of the comment is not sufficient to establish the website owner's responsibility. If its content is not harmful, and the comment here embodies the damages, it does not matter in terms of the responsibility of the website owner whether the comment - with harmful content - is written material or quoted material, what is important is that the comment has harmful content and is published on the website. Section Three: There is negligence in supervision and care on the part of the website owner. Article (49) of the amended Jordanian Press and Publishing Law stipulates, "Comments published in an electronic publication are considered journalistic material for joint and several liability of the electronic publication, its owner, and its editor-in-chief." It is clear from the above clause that the legislator considered the website owner responsible as soon as the comment was published on his website. However, it becomes clear from a full extrapolation of Article (49) that there are indications from the legislator that the website owner must monitor the commentary, and these indications lie in the following:

1 - The website owner or his representative should check the existing comment in terms of the accuracy or incorrectness of the information or facts, and thus not allow the publication of comments that contain incorrect information or facts.

2 - The website owner or his representative must check the comment to see if it constitutes a crime according to the Jordanian Press and Publishing Law, or according to any other applicable law, and therefore not publish it if it constitutes a crime.

3 - The website owner must have a special register, or large storage spaces, through which he can store information about comments and their owners for at least one year.

All of this was requested by the legislator from the owner of the website. If his responsibility arises as soon as the comment is published, then why take all these precautions? It is unreasonable to consider the owner of the website responsible and to leave the commenter who directly caused the damage, and the responsibility of the website owner is inconceivable without negligence in censorship, issued by the owner of the website, or whoever works with him.

Censorship is either censorship before publication and is called an advance directive, or after. Publication is called a subsequent directive (Al-Hayek, 2009). The second is the most widespread form, which authorizes the website owner to delete the violating content, especially after notification from the injured party or others. It does not raise any legal problems, as it is a natural obligation of the website owner to stop harmful content (Taqwa, 2014). We agree with the opinion that says (Al-Shaya, 2017) that the Jordanian legislator must intervene and look at this responsibility as a responsibility for the actions of others of a special kind, with legislation that guarantees the implementation of freedoms and the rights of others in parallel ways.

### **Conclusion**

In this research, we have discussed the responsibility of the website owner for the damages arising from comments published through his website by highlighting the contractual liability in some cases and the responsibility for the harmful act in its common form resulting from the work of the website. The website owner's civil liability for comments with harmful content can be conceptualized as both contractual and liability for harmful action. We can conclude that the website owner's obligation towards the advertisement owner is an obligation to achieve a goal, and the owner will be responsible as soon as a comment with harmful content is published. Further, verifying comments before publishing them is a duty that falls to the website owner or his representative. Moreover, the criterion for the responsibility of the website owner for damages arising from published comments is the time of publishing the comment with harmful content and not the time of sending the comment. The finding states that the website owner is not liable for damages resulting from published comments if the website is not obligated to register and license under the Jordanian Press and Publications Law No. (8) of 1998 amended by Law (32) of 2012.

### **Recommendations**

- Holding the website owner accountable for a comment with harmful content if the comment deviates from the main topic of the news and causes harm to others according to the rules of civil liability.
- Allow the website owner to claim back the commenter for the compensation paid to the person harmed as a result of published comments with harmful content.
- Establishing general legal rules that enable the website owner or his representative to monitor comments before publishing them.

- The information contained in the comment must be checked to confirm its accuracy by the website owner so that it matches the published news or article and does not include harm to others.
- Allowing the website to be licensed, even if its owner does not hold Jordanian citizenship.

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